

## **Draft Ordinance – Other Passenger Vehicles For Hire**

### Chapter 6.74 OTHER PASSENGER VEHICLES FOR HIRE

#### 6.74.010 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them by this section:

“Approved mechanic” means a mechanic who (a) has met all requirements of the National Institute for Automotive Service Excellence, (b) does not own, lease or drive a licensed passenger vehicle for hire, and (c) has no financial interest, including any employment interest, in any passenger vehicle for hire vehicle, company, or service.

“Call or demand” means transportation arrangements made indiscriminately and instantaneously with a request for service which includes, but is not limited to, the hailing of a taxicab or any other oral request for transportation service made from a public street location or other vehicular holding or waiting area as the pickup location. No passenger vehicle for hire, other than a taxicab, may be operated on call or demand.

"Certificate" means a certificate of public convenience and necessity issued by the metropolitan transportation licensing commission, authorizing the holder thereof to conduct a passenger vehicle for hire business within the metropolitan government area.

“Charter or tour vehicle” means a special purpose passenger vehicle for hire that is used exclusively to transport a passenger or specified group from a point of origin to various points of interest and return them to their same point of origin.

“Charter or tour service” means a special-purpose passenger vehicle for hire service that uses charter or tour vehicles to transport passengers or specified groups of passengers, and that:

- (a) Is offered only upon a prearranged and pre-sold basis;
- (b) Transports from locations within the area of the metropolitan government to locations either inside or outside the area of the metropolitan government; and
- (c) Does not discharge passengers at points other than those from which they are picked up.

“Chauffer” has the same meaning as driver, as defined in this section.

“Classic limousine” means a limousine vehicle recognized by the Classic Car Club of America.

"Cruising" means the driving of a passenger vehicle for hire on the streets, alleys or public places of the metropolitan government area in search of passengers or for the purpose of attracting passengers. No passenger vehicle for hire, other than a taxicab, may engage in cruising.

“Driver” means any individual who physically operates a passenger vehicle for hire.

"Driver's permit" means the permission granted by the metropolitan transportation licensing commission in accordance with Article II of this chapter to an individual to drive a passenger vehicle for hire upon the streets and roads of the metropolitan government area.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of a passenger vehicle for hire or a passenger vehicle for hire company in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the metropolitan transportation licensing commission.

"Limousine" means a motor vehicle designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating capacity. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) passengers, exclusive of the driver. No limousine vehicle shall engage in cruising or be operated on call or demand.

"Limousine service" means a passenger vehicle for hire service that provides transportation services using limousines. Limousine services may operate by pre-arrangement only.

"Manifest" means a daily record prepared by a passenger vehicle for hire driver of all trips made by such driver, showing time and place of origin, destination, number of passengers, and rate charged for each trip.

"Paratransit vehicle" means a special-purpose passenger vehicle for hire which is designed or constructed to transport passengers with disabilities. No paratransit vehicle shall engage in cruising or be operated on call or demand.

"Paratransit service" means a special-purpose passenger vehicle for hire service that provides transportation services using paratransit vehicles. Paratransit services may operate by pre-arrangement only between specific origins and destinations selected by the individual user at a certain time that is agreed upon by the user and the service provider. Paratransit services shall not include any transportation services to passengers with disabilities being offered by any government agency as a public service or by medical facilities exclusively to patients of the medical facility.

"Passenger vehicle for hire" means any vehicle designed or modified to transport not more than fifteen (15) passengers, exclusive of the driver, and which is operated for hire. Excluded from this definition are vehicles exclusively regulated and licensed by the state or federal government with respect to special public safety standards. For the purpose of this chapter, such regulation must include all of the following:

- (a) vehicle condition standards and inspections;
- (b) liability insurance standards and verification; and
- (c) criminal background and driving record checks for drivers.

Also excluded from this definition are vehicles, and the drivers thereof, provided for use in connection with or participating in any phase of a funeral or funeral service.

“Passenger vehicle for hire service” is any individual, partnership, corporation, association or public or private organization of any character that provides transportation to persons for hire.

“Person” means any individual, partnership, corporation, association or public or private organization of any character.

“Pre-approved route” means a fixed route, with predetermined fixed pick-up and drop-off points, approved by and on file with the director of the metropolitan transportation licensing commission.

“Pre-arrangement” means a request for transportation of a specific passenger by registration in advance of boarding from a specific location. Such registration must be made by contacting the business office of the passenger vehicle for hire service at least one hour in advance of the time the transportation is to begin. Rates must be established in one-hour increments for a minimum of a two-hour period. Drivers of passenger vehicles for hire limited to pre-arrangement must provide documented proof of such registration prior to picking up any passenger.

“Sedan” means a motor vehicle designed or constructed to accommodate and transport passengers for hire that does not have an extended wheel base or an expanded seating capacity. The vehicle must be an automobile that is recognized by the industry as a full-size luxury sedan, designed to transport not more than five (5) passengers, exclusive of the driver. No sedan vehicle shall engage in cruising or be operated on call or demand.

“Sedan service” means a passenger vehicle for hire service that provides transportation services using sedans. Sedan services may operate by pre-arrangement only.

“Safety certificate” means a document from an approved mechanic certifying that a particular vehicle meets all vehicle safety standards set forth in this chapter and in rules of the metropolitan transportation licensing commission adopted pursuant to this chapter.

“Shuttle” means a motor vehicle designed or constructed to accommodate and transport passengers for hire that does not have an extended wheel base or an expanded seating capacity designed for the transportation of persons. The vehicle must be a van or bus designed to transport not more than fifteen (15) passengers, exclusive of the driver. No shuttle vehicle shall engage in cruising or be operated on call or demand.

“Shuttle service” means a passenger vehicle for hire service that provides shuttle transportation to or from prescribed locations on a pre-approved route.

“Solicit” means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups.

“Special-purpose passenger vehicle for hire” means any passenger vehicle for hire that is not a limousine, sedan, shuttle, taxicab, or horse-drawn carriage.

“Special temporary service” means an infrequent and unusual service requiring the temporary pooling of foreign limousines to operate under the certificate of a duly licensed limousine service. Special temporary services include, but are not limited to, pooling arrangements to service needs created by community-wide tourism or cultural events.

## Article I. Certificate of Public Convenience and Necessity

### 6.74.020 Required.

No person shall operate or permit any passenger vehicle for hire owned or controlled by him or her, and as defined in Section 6.74.010, as amended, to pick up passengers within the area of the metropolitan government area without having first obtained a certificate of public convenience and necessity from the metropolitan transportation licensing commission.

### 6.74.025 Classification of Vehicles and Services

A. Classification. Every passenger vehicle for hire permitted pursuant to this Chapter shall be classified according to one of the following categories:

1. Limousine;
2. Sedan;
3. Shuttle; or
4. Special-Purpose Passenger Vehicle For Hire

B. Method of Classification. The applicant for a certificate of public convenience and necessity shall request approval to provide service for a single category of passenger vehicle for hire service pursuant to Part (4), below. The classification shall be made by the metropolitan transportation licensing commission by descending from subparagraph A.1 to 4, above, until:

1. the vehicle definition contained in Section 6.74.010 applies to the proposed passenger vehicle for hire; and
2. the proposed passenger vehicle for hire service satisfies the applicable requirements contained in this Chapter.

The classification shall be consistent with the provisions of this Chapter.

C. Purpose of Classification. The purpose of the classification is to:

1. ensure that different forms of passenger vehicle for hire service are recognized;
2. avoid misleading or creating confusion among the traveling public; and
3. provide notice to the holder of the classification and the applicable limitations and regulations pertaining to the category.

D. Category Use Restrictions. A certificate holder shall only provide the service specified below:

1. Limousine. A Limousine service shall provide the transportation of persons:
  - a. limited to a limousine or classic limousine;

- b. leased, rented or charged upon for a minimum time period of two hours; and
- c. with the fare determined on an hourly basis and not by a meter or mileage for the use of the vehicle;
- d. pre-arranged by written contract or pre-arranged through a third party (e.g., guest service desk or concierge desk).

2. Sedan. A Sedan service shall provide the transportation of persons:

- a. limited to a sedan;
- b. leased, rented or charged upon for a minimum time period of two hours; and
- c. with the fare determined on an hourly basis and not by a meter or mileage for the use of the vehicle;
- d. pre-arranged by written contract or pre-arranged through a third party (e.g., guest service desk or concierge desk).

3. Shuttle. A Shuttle service shall provide the transportation of persons:

- a. limited to a van lettered as a shuttle;
- b. on a pre-approved route; and
- c. with the fare determined on a per-passenger basis and not by a meter or mileage.

4. Special-Purpose Passenger Vehicle For Hire. A Special-Purpose Passenger Vehicle For Hire service shall provide the transportation of persons within limits specified in the application or those approved by the metropolitan transportation licensing commission in issuing a certificate of public convenience and necessity.

#### 6.74.030 Application--Information and fees required.

A. An application for a certificate of public convenience and necessity shall be filed with the metropolitan transportation licensing commission for each classification of service to be provided upon forms provided by the commission and upon the payment of a nonrefundable fee in an amount to be established by the commission based upon the cost of processing the application and of the administration and enforcement of this part.

B. Such application shall at a minimum, require the following information:

- 1. The name and address of the applicant;
- 2. A background check form;
- 3. Proof of United States citizenship or residency authorization by the United States Department of Homeland Security;
- 4. The financial status of the applicant, including any judgments against the applicant, together with information regarding the amount of any such judgment and the nature of the transaction or acts giving rise to such judgments. This information shall be presented in a certified financial statement current within thirty days of the date of application submission;
- 5. The experience of the applicant in the transportation of passengers;

6. The classification of service to be provided, and any facts and information, as listed in 6.74.060(B) which the applicant believes tends to prove that public convenience and necessity require the granting of the certificate;
7. The number of vehicle permits requested, and a description and proof of ownership or lease of all vehicles to be operated under the certificate.
8. Procedures for training drivers;
9. Rules and regulations governing driver appearance and conduct;
10. A copy of the prearrangement contract to be used by the applicant (if applicable);
11. A copy of the daily manifest form to be used by drivers; and
12. Such further information as the metropolitan transportation licensing commission may require.

C. An applicant will be ineligible for consideration if:

1. Any of the partners, officers or directors are under twenty-one (21) years of age and/or the passenger vehicle for hire business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of eighteen years of age;
2. Any of the owners, partners, officers or directors has been convicted of, forfeited bond, or pleaded guilty or nolo contendere to a felony or any crime involving moral turpitude as defined in TCA, 57-4-203(h)(2) or involving a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within ten (10) years immediately preceding the date of application.
3. Any of the owners, partners, officers or directors has violated any portion of this chapter or of Chapter 6.72 of the metropolitan code within five (5) years immediately preceding the date of application.
4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. The metropolitan transportation licensing commission shall conduct hearings for the issuance of certificates of public convenience and necessity.

1. The metropolitan transportation licensing commission shall fix a time and date for a public hearing, to be held annually, to review applications for certificates of public convenience and necessity.
2. Notice of such hearing shall be given to each applicant and to all other persons to whom certificates of public convenience and necessity are then issued. Due notice shall be given to the general public by publishing a public notice in a newspaper of general circulation in the area of the metropolitan government area, giving the time and place of the public hearing.

3. Any person may file with the metropolitan transportation licensing commission a memorandum or letter in support of or opposition to the issuance of a certificate of public convenience and necessity.
4. The metropolitan transportation licensing commission may, in its discretion, call special meetings in addition to the annual meeting for the consideration of new certificates of public convenience and necessity.
5. There shall be a nonrefundable fee, in an amount to be established by the commission based upon the cost of processing the application, including any necessary background checks, charged for each request for certificates, payable at the time of application. An additional fee of seventy-five dollars shall be charged for the issuance of each approved vehicle permit associated with the certificate.
6. The notice provisions set forth in this section shall be followed when special meetings are called.

#### 6.74.035 Annual Renewal.

All certificates of public convenience and necessity issued under the provisions of this chapter shall expire on March 31 of the year following the date on which the certificate was issued. All certificates may be renewed by the director for each successive year between March 1 and 31 of each year. A renewal fee for each approved certificate to operate a passenger vehicle for hire service shall be charged at the annual renewal of the certificate of public convenience and necessity. The amount of the renewal fee shall be two hundred fifty-five dollars per vehicle operating under the certificate as listed in section 6.74.070. In addition, a fee will be collected to complete a new background check every five years on any holder renewing a certificate.

#### 6.74.040 Request for Special Temporary Service.

The metropolitan transportation licensing commission shall be authorized to establish rules and procedures for the application and issuance of special temporary service permits allowing certificate holders of limousine services to associate with foreign limousine companies to meet the temporary demand for a special community-wide event. A special temporary service permit shall not exceed seven days in duration. For purposes of this chapter, all foreign limousine companies, vehicles and drivers operating under this section shall be deemed a member of the certificate holder's fleet. There shall be a nonrefundable fee, in an amount to be established by the commission based upon the cost of processing the application, including any necessary background checks, charged for each request for a special temporary service permit, payable at the time of application. An additional fee of seventy-five dollars shall be charged for the issuance of each approved vehicle permit associated with the special temporary service permit. Nothing contained in this chapter shall relieve the holder of a special temporary service permit from obtaining any and all necessary approvals as may be required to operate at the airport or from paying any fees required by the airport or any government agency.

#### 6.74.045 Request For Additional Permits



A. The metropolitan transportation licensing commission shall fix a time and place for a public hearing, to be held annually, to review applications from holders of current certificates issued under this chapter for additional vehicle permits.

B. Notice of such hearing shall be given to all certificate holders. Due notice shall be given to the general public by publishing a public notice in a newspaper of general circulation in the area of the metropolitan government area, giving the time and place of the public hearing.

C. Any person may file with the metropolitan transportation licensing commission a memorandum or letter in support of or in opposition to a request for additional vehicle permits.

D. The metropolitan transportation licensing commission may, in its discretion, call special meetings in addition to the annual meeting for the consideration of applications for new vehicle permits.

E. There shall be a nonrefundable fee, in an amount to be established by the commission based upon the cost of processing the application, charged for each request for additional permits, payable at the time of application. An additional licensing fee of seventy-five dollars shall be charged for the issuance of each approved permit.

F. The notice provisions enumerated in this section shall be followed when special meetings are called.

#### 6.74.050 Liability Insurance required.

A. Before any certificate of public convenience and necessity shall be issued under this chapter by the metropolitan transportation licensing commission, or before the renewal of such certificate shall be granted, the applicant shall be required to file a certificate of insurance, complete with a schedule of covered vehicles, with the commission director evidencing insurance coverage as required in this section.

#### B. Minimum Insurance Requirements.

1. Comprehensive General (Public) Liability and Property Damage Insurance, inclusive of Contractual Liability, in an amount of not less than One Million Dollars (\$1,000,000) combined single limit written on an occurrence basis.

2. Comprehensive Automobile Liability in an amount of not less than One Million Five Hundred Thousand Dollars (\$1,500,000) combined single limit written on an occurrence basis. All vehicles permitted under a single certificate of public convenience and necessity shall be covered under one master policy held by that certificate holder. The certificate of insurance shall also list the vehicle identification number of each vehicle that is insured. Any changes in vehicles covered under the policy must be reported immediately to the director of the metropolitan transportation licensing commission.

3. The insurance company must be rated as "very good" or better in the latest edition of Best's Key Rating Guide and be licensed to do business in the State of Tennessee.

4. The insurance policy shall list the metropolitan government as an additional insured. The insurance provider shall provide a thirty (30) day written notice to the metropolitan transportation commission prior to any change or cancellation in coverage.

C. Effect of No Insurance. The failure of a holder to maintain continuous coverage by a policy of insurance as required by this section shall be deemed sufficient cause for revocation of the certificate of public convenience and necessity.

#### 6.74.060 Findings -- Issuance of Certificate.

A. If the metropolitan transportation licensing commission finds that further passenger vehicle for hire service in the metropolitan government area is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this chapter and the rules promulgated by the commission, then the commission shall issue a certificate; otherwise, the application shall be denied. The certificate shall state the name, business address and telephone number of the applicant, the classification of service for which the certificate is issued, and the date of expiration. If the classification is for a special-purpose passenger vehicle for hire, the certificate may also specify any limitations or restrictions that apply to the service.

B. In making the above findings, the commission shall at a minimum take into consideration the number and condition of passenger vehicles for hire already in operation; the character, experience, financial condition and responsibility of the applicant; and such criteria as may be officially adopted by the commission in its rules.

C. All certificates will expire and must be renewed no earlier than March 1 and no later than March 31 of each year.

#### 6.74.065 Commission notification.

Persons granted certificates of public convenience and necessity under this chapter shall not change the address, company name, officers, ownership, or any other item in a company's original application without the prior notification of commission staff. Any material changes will be brought before the commission for approval.

#### 6.74.070 Reporting and fees -- Disposition of revenue.

A. Persons granted certificates of public convenience and necessity under this article shall keep the metropolitan transportation licensing commission advised of the vehicles being insured and operated, and shall pay to the commission an annual fee of two hundred and fifty-five dollars for each of its vehicles in operation, including those vehicles which as of the reporting date may be temporarily out of service for repair, etc., as a condition precedent to the operation of such vehicle as a passenger vehicle for hire; and failure to comply herewith shall subject such person to the penalty provided in Section 1.01.030. Appropriate identification in sticker form shall be issued to the certificate holder for attachment to the vehicle upon which the required fee is paid, evidencing compliance with this section. The sticker must be attached to the lower left side of the state license plate or such other place as the commission may designate. Failure to display the sticker will place the vehicle in out-of-service status, and may also be cited as a violation.

B. The metropolitan transportation licensing commission shall turn over to the metropolitan treasurer all funds derived from the payment specified, and the metropolitan treasurer shall keep a separate account thereof. Payments therefrom shall be upon requisition or voucher executed by the secretary to the commission.

#### 6.74.080 Transfers -- Fee.

A. No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred, nor may there be any modification of ownership as to stock transfer, new or additional partners, etc., by a holder of a certificate of public convenience and necessity without the consent of the metropolitan transportation licensing commission. An application for a transfer shall be filed upon forms provided by the commission staff and upon the payment of a nonrefundable fee in an amount to be established by the commission based upon the cost of processing the application and of the administration and enforcement of this part.

B. An applicant for a certificate transfer will be ineligible for consideration if:

1. Any of the owners, partners, officers or directors are under twenty-one (21) years of age and/or the passenger vehicle for hire business has no legal existence beyond a shareholder, owner, or partner who is under the age of eighteen years of age;
2. Any of the owners, partners, officers or directors has been convicted of, forfeited bond, or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in TCA, 57-4-203(h)(2) or involving a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of application.
3. Any of the owners, partners, officers or directors has violated any portion of this chapter within five (5) years immediately preceding the date of application.
4. Any portion of the application is incomplete or contains incorrect or untruthful information.

C. Upon the filing of an application to transfer a certificate of public convenience and necessity, the metropolitan transportation licensing commission shall fix a time and place for a public hearing on the application.

#### 6.74.090 Suspension and revocation.

A. A certificate of public convenience and necessity issued under the provisions of this article may be revoked or suspended by the metropolitan transportation licensing commission if the holder thereof has:

1. Violated any of the provisions of this chapter;
2. Has violated any provision of this code or other ordinances of the metropolitan government or the laws of the United States or the state of Tennessee, the violations of which reflect unfavorably on the fitness of the holder to offer transportation services.

3. Made a misrepresentation or false statement when obtaining a certificate of public convenience and necessity or additional permits, or transferring a certificate.

B. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

C. If the actions of the holder create a possible risk of public safety, an emergency suspension may be enacted immediately. The holder shall have an opportunity to be heard.

## Article II. Drivers' Permits

### 6.74.100 Required.

A. No person shall operate a passenger vehicle for hire upon the streets and roads of the metropolitan government, and no person who owns or controls a passenger vehicle for hire shall permit it to be so driven, and no passenger vehicle for hire licensed by the metropolitan government shall be so driven at any time for hire, unless the driver of such vehicle shall first obtain and shall have then in force a driver's permit issued by the metropolitan transportation licensing commission.

B. All drivers of passenger vehicles for hire are required to maintain a current driver's permit. A driver shall not operate any passenger vehicle for hire for any certificate holder except for the certificate holder shown on his driver's permit.

### 6.74.110 Application -- Information and fees required.

A. An application for a passenger vehicle for hire driver's permit shall be filed with the metropolitan transportation licensing commission on forms provided by the metropolitan government.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant. No applicant under twenty one years of age will be accepted.

2. The names, addresses, telephone numbers and signatures of four references who are residents of Tennessee who have known the applicant for a period of at least one year;

3. The name and signature of the certificate holder or designated representative of the certificate holder for which the applicant will drive;

4. The type(s) of vehicle(s) which the applicant will drive under the certificate;

5. The years of experience of the applicant in the transportation of passengers;

6. The educational background of the applicant;

7. A concise history of the applicant's employment;

8. The residential addresses of the applicant for the last five years;

C. The applicant shall provide the following documents in order to submit his application:

1. A valid Tennessee driver's license with proof of a special chauffeur's license (Class D license with an 'F' endorsement, TCA Chapter 7, Title 59) or a Commercial Driver's License (CDL) issued by the state.

2. A Social Security card;
3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement documentation;
4. A current federal Department of Transportation (D.O.T.) medical card.
5. A current drug test result.
6. A certificate evidencing satisfactory completion of an eight-hour Attitudinal Defensive Driving Course within the previous three years.

D. Each application shall be accompanied by an official driver record issued by the Tennessee Department of Safety, no more than thirty days previous to the date of application. The driving record is required to meet the following standards:

1. No convictions in the last five (5) years for any of the following offenses involving bodily injury or death and no convictions in the last three (3) years for any of the following offenses not involving injury or death:
  - a. Hit and run;
  - b. Driving under the influence of an alcoholic beverage or drug;
  - c. Reckless or careless driving.
2. For an initial permit, no more than three (3) moving violations within the last three (3) years and no more than two (2) moving violations in the last year will be allowed.
3. For renewal permit, no more than four (4) moving violations within the last three (3) years and no more than two (2) moving violations in the last year.
4. At the time the application is filed, the applicant shall pay a fee for the cost of investigation.

#### 6.74.120 Fingerprint-based criminal background investigation.

A. All applicants for a driver permit will undergo a fingerprint-based identification and background check. The commission staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record of the applicant, if any, shall be attached to the application and forwarded for the consideration of the metropolitan transportation licensing commission.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if:

1. He/she has been convicted, pled guilty, placed on diversion, probation or parole, or pleaded nolo contendere within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States: homicide, rape, aggravated assault or battery, kidnapping, robbery, burglary, child molestation, any sex-related offense, leaving the scene of an accident, criminal solicitation, or criminal attempt to commit any of above, perjury or false swearing in making any

statement under oath in connection with the application for a driver's permit, or the felony possession, sale or distribution of narcotic drugs or controlled substances. If, at the time of application, the applicant is charged with any such offenses, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

2. He/she has been convicted of two or more felony offenses within the past ten years.

3. He/she has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this code or other ordinances governing the operation of vehicles for hire. If at the time of application the applicant is charged with any of the offenses listed in this section, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal or other final disposition of the charges.

4. He/she has failed to disclose any criminal conviction, except traffic citations, on the application for a permit.

#### 6.74.130 Driver Training and Testing Required.

A. Prior to the consideration of an initial application for a passenger vehicle for hire driver permit, each applicant must satisfactorily complete a course of training and evaluation as directed by the metropolitan transportation licensing commission. The course shall measure the applicant's knowledge of the following:

1. Provisions of the passenger vehicle for hire ordinance relating to the conduct of drivers and the operation of a passenger vehicle for hire;
2. Geography/map reading;
3. Local attractions;
4. Customer service/hospitality; and
5. Serving passengers with disabilities.

B. Any driver whose permit has lapsed for more than three years shall be required to retake the course.

C. The commission may direct any currently permitted driver to re-take the course upon cause.

#### 6.74.140 Application -- Approval or disapproval.

The metropolitan transportation licensing commission or its staff, shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant disapproved by the commission staff may request an appearance before the commission for consideration of the application. The applicant must appear in person.

#### 6.74.150 Issuance -- Contents.

Upon approval of an application for a passenger vehicle for hire driver's permit, the metropolitan transportation licensing commission shall issue a permit to the applicant, which shall bear the name, driver's license number, height, date of birth, and

photograph of the applicant. The permit shall also list the specific certificate or company, and any vehicle classification or type to which the permit is restricted.

6.74.155 New application after denial.

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

6.74.160 Expiration -- Issuance and replacement fee.

A. Each passenger vehicle for hire driver's permit shall be issued for a period of one year, or until March 31.

B. A permit shall be issued to qualified applicants upon the payment of twenty dollars plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior commission approval. Any permitted driver who intends to change companies or the classification of vehicle to be driven must obtain a replacement permit from the metropolitan transportation licensing commission. A ten dollar fee shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

6.74.170 Display of permit.

Every driver to whom a permit is issued under this article shall have available his driver's permit in accordance with commission rules while such driver is operating a passenger vehicle for hire.

6.74.180 Suspension and revocation.

The metropolitan transportation licensing commission is authorized to suspend any driver's permit issued under this article for a driver's failing or refusing to comply with the provisions of this chapter or the commission rules and regulations. The commission is also authorized to revoke any driver's permit for failure to comply with the provisions of this chapter or commission rules and regulations. However, a permit may not be revoked or suspended unless the driver has received notice and had an opportunity to present evidence in his behalf. A driver whose permit is revoked may not reapply for ninety days and will be treated as a new applicant.

6.74.185 Revocation of Tennessee driver's license.

The driver's permit of any driver whose Tennessee driver's license is suspended or revoked shall be invalid during any such period of suspension or revocation.

6.74.190 Compliance with provisions.

Every driver granted a permit under this article shall comply with all metropolitan government, state and federal laws. Failure to do so will justify the metropolitan transportation licensing commission suspending or revoking the passenger vehicle for hire driver permit.



### Article III. Equipment

#### 6.74.200 Vehicle Permit required.

Each passenger vehicle for hire must have a permit issued by the metropolitan transportation licensing commission. The permit will identify each vehicle by a unique number in accordance with rules and procedures established by the metropolitan transportation licensing commission, and will be associated with the specific classification and by certificate holder. Vehicle permits are not transferable to other vehicles or certificates.

#### 6.74.210 Vehicle to display identification.

All passenger vehicles for hire operated under the authority of this chapter shall be equipped with identification as prescribed by the commission in rules and regulations. No person shall equip, mark, paint, display marking lights or windshield lights or in any way cause a motor vehicle to resemble a licensed/permitted passenger vehicle for hire or create a public impression that a motor vehicle is a permitted passenger vehicle for hire approved by the metropolitan transportation licensing commission.

#### 6.74.220 Inspection and maintenance of vehicles -- Compliance required.

A. Prior to the use and operation of any vehicle under the provisions of this chapter, such vehicle shall be thoroughly examined and inspected by a transportation licensing inspector and found to comply with such reasonable rules and regulations as may be prescribed by the metropolitan transportation licensing commission. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the commission shall deem necessary therefor. When an inspector finds that a vehicle has met all the standards established by the commission, he shall inform the commission, which shall issue a permit to that effect.

B. Every vehicle operating under this chapter shall be periodically inspected by a transportation licensing inspector at such intervals as shall be established by the metropolitan transportation licensing commission to ensure the continued maintenance of safe operating conditions. A certificate holder shall make a passenger vehicle for hire available for inspection when ordered to do so by the director or inspector. If, upon inspection, the inspector determines that a passenger vehicle for hire is not in compliance with this chapter or commission rules, the inspector shall order the vehicle to be brought into compliance within a reasonable period of time and require it to be re-inspected.

C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the metropolitan transportation licensing commission.

D. In January or February of each year, every vehicle operating under this chapter shall annually undergo a detailed mechanical inspection conducted by an approved mechanic to determine if the vehicle conforms to the standards of the metropolitan transportation licensing commission. Every classic limousine operating under this

chapter will also undergo a semiannual mechanical inspection in June or July of each year. The certificate holder shall provide the commission with a safety inspection form, completed by an approved mechanic, within thirty days following inspection.

#### 6.74.225 Limits on Stretch Limousines.

The metropolitan transportation licensing commission shall establish limits by its rules on the extent to which a limousine wheelbase may be extended and any other safety-related requirements for stretch limousines.

#### 6.74.230 Vehicle age and mileage limit.

- A. Except for a classic or vintage limousine, no vehicle to be operated as a passenger vehicle for hire or courtesy vehicle shall be more than five years old when it comes into service.
- B. Except for a classic or vintage limousine, no vehicle operated as a passenger vehicle for hire shall be more than seven years old, or have more than 250,000 miles on the odometer. By January 1 of each year, vehicles of a model year eight years prior to that year must be taken out of service or replaced.
- C. The metropolitan transportation licensing commission is authorized to make a determination based on vehicle mileage and condition as to the acceptability of any vehicle to be permitted as a classic or vintage limousine, and to make a determination as to the required replacement of those limousines.
- D. The commission shall establish by its rules a procedure by which an affected holder may seek a waiver under this section.

#### 6.74.240 Inspection fee; maintenance equipment.

- A. Each holder shall cause each passenger vehicle for hire operated under his certificate of public convenience and necessity to be submitted for inspection by a transportation licensing inspector from time to time at intervals not exceeding 12 months. The inspector shall inspect each limousine and determine whether it is in full compliance with the requirements established in this chapter and the rules of the metropolitan transportation licensing commission. If so, the holder shall be given an inspection compliance decal for the vehicle, which shall be valid for 12 months from the date of its issuance. The inspection compliance decal shall be affixed by the inspector to the windshield of the vehicle. It shall be unlawful to drive or to cause to be driven any passenger vehicle for hire that does not have a current inspection compliance decal affixed by the inspector. Each holder shall pay to the metropolitan transportation licensing commission an inspection fee for the inspection services described in this section in the amount of \$25.00 per vehicle, per calendar year, provided that the fee for the balance of the calendar year shall be reduced to \$12.50 for any vehicle that is initially placed in service or after July 1.
- B. All vehicles shall be maintained in a safe and sanitary condition at all times and shall always be maintained in first class mechanical condition.

C. All vehicles shall be air-conditioned and equipped with interior and exterior rearview mirrors, windshield washers and two-speed windshield wipers, proper headlights and taillights that shall be in operation from one-half hour after sunset to one-half hour before sunrise when the limousine is in operation. The inspection shall include, but not be limited to, the following items: Vehicle identification number; date of purchase; foot brakes; emergency brake, headlights; taillights; brake lights; turn signal lights; license plate lights; horn; two-speed windshield wipers; interior and exterior rear vision mirrors; air conditioner; tires; muffler and tail pipe; condition of the body; condition of the fenders; condition of the paint; condition of the interior; current state inspection sticker, as applicable; state license plates; speedometer readings; mileage; steering. Brakes, seat belts and all other safety, noise and antipollution requirements specified by the United States Government and the state shall be complied with at all times. The brakes shall always be kept in first class working order.

#### 6.74.250 Tests and inspections of vehicles.

Transportation licensing inspectors may at any time, and shall at least once each year, make tests and inspections of all passenger vehicles for hire then in operation to assure that they are in compliance with the terms of this chapter and the rules of the metropolitan transportation licensing commission, and if as a result of the inspection or test any vehicle is found not to comply with any of the requirements therein set out, the holder shall be notified of the defects observed and he shall immediately correct same to the satisfaction of the inspector. Any vehicle that is the subject of the notification shall not be operated on any street of the city until it has been reinspected and determined to be in compliance with the requirements of inspection. The transportation licensing commission director and any employee to whom he may designate the duty of inspection of vehicles shall be given ready access to the vehicles at all reasonable times.

## Article IV. Operations

### 6.74.300 Duty to render service -- Business requirements.

All persons engaged in any passenger vehicle for hire service shall maintain a fixed, central place of business for the purpose of receiving calls and scheduling service.

### 6.74.310 Daily manifests.

A. Every passenger vehicle for hire driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip, number of passengers, and the rate charged. The forms for each manifest shall be furnished to the driver by the certificate holder and shall be of a character approved by the metropolitan transportation licensing commission. All such completed manifests shall be returned to the certificate holder by the driver at the conclusion of his tour of duty.

B. Every certificate holder shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the metropolitan transportation licensing commission or any designated representative at any time.

### 6.74.320 Pre-arrangement documented – required procedures

A. Limousine services, sedan services, and any other passenger vehicle for hire services restricted to pre-arranged services must present written and signed contracts for transportation services. Passenger vehicle for hire services operating by pre-arrangement shall obtain written or electronic contracts for services at least one hour in advance of the time the transportation is to begin. These contracts must include all of the following:

1. the date and time when the arrangement was made;
2. the name of the person making the arrangement. If a third party, the name of the business, telephone number, and position of the arranger;
3. the name of passenger;
4. the date and time the passenger is to be picked up. If the contract is for service originating at the airport, this will include the airline name, flight number, and the scheduled date and time of arrival;
5. the point of origin;
6. the duration of the service to be provided;
7. the point of debarkation;
8. the certificate holder to provide the service;

9. any additional information or services requested by the passenger;
  10. the total rate to be charged; and
  11. the name of the driver and the permit number of the vehicle to be provided by the certificate holder.
- B. The driver shall arrive at the point of origin no earlier than thirty minutes prior to the requested pick up time. Prior to loading the passenger at the point of origin, the driver shall provide the passenger with a copy of the contract signed by the certificate holder, and shall obtain a signature from the passenger agreeing to the terms of the contract.
- C. Every certificate holder shall retain and preserve all pre-arrangement contracts in a safe place for at least the calendar year next preceding the current calendar year, and such records shall be made available for inspection by the commission or any designated representative at any time.
- D. No driver of a limousine, sedan, or passenger vehicle for hire service restricted to pre-arranged services shall:
1. operate a limousine upon the property of any airport except for the purpose of discharging passengers whose trips originated elsewhere or for the purpose of rendering pre-arranged service to deplaning passengers;
  2. park or stand his limousine upon airport property except for the purpose of actually loading or unloading passengers in accordance with a pre-arrangement contract executed under this section;
  3. enter or remain upon airport property unless his limousine has permanently affixed on the windshield an automatic vehicle identification tag in accordance with policies and procedures promulgated by metropolitan airport authority.
- E. The metropolitan transportation licensing commission may, by rule, establish additional requirements for proof of pre-arrangement.

#### 6.74.330 Operating records and reports.

- A. Every holder of a certificate shall keep accurate records of receipts of operation, operating and other expenses, capital expenditures and such other operating information as may be required by the metropolitan transportation licensing commission. Every such holder shall maintain the records containing such information and other information required by this chapter at a place readily accessible for examination by the commission staff for a period of one year.
- B. Every holder of a certificate shall keep accurate daily records of the drivers and vehicles on duty. The forms utilized shall be of a character approved by the commission.

#### 6.74.340 Accidents.

- A. All accidents arising from or in connection with the operation of a passenger vehicle for hire which result in death or injury to any person on or in damage to any vehicle, or

to any property in an amount exceeding the sum of four hundred dollars shall be reported within seventy-two hours from the time of occurrence to the metropolitan transportation licensing commission director.

B. A driver operating a passenger vehicle for hire at the time of an accident involving bodily injury is required to report for a drug screen, within twenty-four hours from the time of occurrence, at a testing site approved by the commission. Failure to report for such a screen shall result in revocation of the driver's permit. If there is cause to suspect that the medical condition of the driver may have contributed to the accident, the commission director may suspend the passenger vehicle for hire driver's permit until the driver provides a new federal Department of Transportation medical card.

C. A passenger vehicle for hire damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident.

#### 6.74.350 Passengers -- Maximum number.

No driver shall permit more persons to be carried in a limousine as passengers than the manufacturer's rated seating capacity of the limousine or no greater than fourteen (14), whichever is smaller. No driver shall permit more persons to be carried in a sedan than five (5) passengers.

#### 6.74.360 Passengers -- Receiving and discharging by drivers.

Drivers of passenger vehicles for hire regulated by this chapter shall not receive or discharge passengers in the roadway. Nothing in this section shall be construed to permit the parking of a vehicle at any place where parking is otherwise restricted or prohibited.

#### 6.74.370 Dispatch from Place of Business.

Limousine services, sedan services, and any other passenger vehicle for hire services restricted to pre-arranged services shall be dispatched and operate only from the place of business approved in the certificate of public convenience and necessity. The certificate holder shall not operate, house, store or maintain any vehicles at any place of public accommodation unless the vehicle is at that time hired.

#### 6.74.380 Solicitation or diversion of patronage prohibited.

A. It shall be unlawful for a certificate holder, driver, agent, or any other representative of a passenger vehicle for hire service to solicit the patronage of any passenger, prospective passenger, or other person in behalf of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment.

B. It shall be unlawful for the driver of any passenger vehicle for hire, while engaged in such occupation within the area of the metropolitan government, to divert or attempt to divert a prospective patron from any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment.

C. It shall be unlawful for the owner, manager or operator of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment, of any of the agents, servants or employees thereof, or any other person connected therewith, to pay or offer to pay to the driver or operator of any passenger vehicle for hire any money, compensation, reward, gratuity, or other thing of value, directly or indirectly, for soliciting any passenger, prospective passenger or other person to patronize the place of business of such person, or for diverting or attempting to divert any prospective patron, guest or customer from any other business establishment to that of such person.

D. It shall be unlawful for the driver of any passenger vehicle for hire to receive, accept or agree to receive or accept, or solicit, from the owner, manager or operator of any hotel, motel, apartment house, restaurant, night club, bar, or other business establishment, or any of the agents, servants or employees thereof, or any other person connected therewith, directly or indirectly, any money, compensation, reward, gratuity, or other thing of value, for soliciting patrons, guests or customers for the place of business of such person, or for diverting or attempting to divert any prospective patron, guest or customer from another place of business to the place of business of such person.

#### 6.74.390 Prohibition against compensation for right to pick-up passengers.

A. It shall be unlawful for any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire or any other person directly or indirectly to provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide for-hire passenger service from any hotel, motel, apartment, restaurant, nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment, or public facility. The license, registration or certificate of any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire violating this provision shall be subject to suspension up to twelve (12) months for the first violation and shall be subject to revocation for repeat violations in accordance with the provisions of the Code.

B. It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any passenger service company, for-hire license holder, chauffeur or operator of any passenger vehicle for hire or any other person for the right to pick up passengers or provide for-hire passenger service from any hotel, motel, apartment, restaurant, nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment or public facility.

#### 6.74.400 Disposition of disorderly passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

#### 6.74.405 Required items.

All Passenger Vehicles For Hire operated under the authority of this chapter shall be equipped with a wireless form of communication (i.e. cellular or digital telephone, or two-way radio), and other items prescribed by the commission in rules and regulations for the benefit of passengers.

#### 6.74.410 Prohibited items.

No Passenger vehicle for hire operated under the authority of this chapter shall be equipped with a toplight, taximeter, or taxicab signs; or be otherwise lettered, painted or marked in such a way to be misleading or such that it tends to deceive the public as to its classification.

#### 6.74.415 Driver appearance.

A. Every driver, while on duty, shall keep a clean and well-groomed appearance, and shall be dressed in compliance with those rules adopted by the commission.

B. The rules of the commission shall, at a minimum, prohibit the following articles when worn as outer garments: T-shirts, undergarments, tank tops, swimwear, jogging suits, body shirts, shorts, cut-off pants, trunks, sandals, clogs and other similar attire. Offensive words or symbols on clothing are also prohibited.

#### 6.74.420 Advertising on vehicles.

It shall be unlawful for any person owning or operating a passenger vehicle for hire to permit third party advertising matter to be affixed to or installed on the outside of such vehicles. Bumper stickers are prohibited.

#### 6.74.425 Vehicle Safety Devices.

Subject to the rules and regulations of the licensing commission, it shall be lawful for any person owning or operating a passenger vehicle for hire to permit safety devices to be affixed to or installed in or on such vehicles.

#### 6.74.430 Prohibited acts by driver.

A. No driver shall engage in illegally selling intoxicating liquors or controlled substances, or soliciting business from or for any house of ill repute or use his or her vehicle for any purpose other than the transporting of passengers.

B. No driver shall engage in abusive language or conduct, including, but not limited to, cursing, verbal insults or derogatory comments in the presence of passengers.

C. While on duty, no driver shall be under the influence or engaged in the consumption of intoxicants, including, but not limited, to alcoholic beverages.

D. No driver shall fail to comply with all state, local and federal laws while on duty.

#### 6.74.440 Inspectors to observe conduct--Reporting or citing violations.

The inspectors of the metropolitan government are authorized and are instructed to watch and observe the conduct of holders of certificates of public convenience and necessity and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector shall either report the same to the licensing



commission, which will order or take appropriate action, or issue a citation as authorized under 6.74.500.

6.74.450 Reserved

#### Article IV. Violations—Fine Schedules

6.74.500 Violation—Twenty five to five hundred dollar penalty.

A. For any person or persons electing to plead guilty and pay a fine for the violation of the following sections or subsections prior to the court date, the fine for the conviction of a first violation of such section or subsection within a twelve-month period shall be twenty-five dollars, and the fine for the conviction of a second violation within twelve months shall be fifty dollars. The fine for the conviction of a third violation within twelve months shall be set by the court in accordance with Section 1.01.030:

**Note: list to be determined prior to publication, as appropriate.**

B. The court may use the aforementioned schedule as a guide in setting fines in accordance with Section 1.01.030 for any person or persons who appear to contest any violation of this chapter of the code.